Export Controls & Services for SMEs

Moderator: Shelia Quarterman Senior Export Policy Analyst Regulatory Policy Division, BIS





"Export Controls and Trade Services for Small and Medium Enterprises"

THE

NEXUS of success

- . Awareness
- . Understanding
- . Compliance

July 19, 2012

Sheila Quarterman, Facilitator



"Export Controls and Trade Services for Small and Medium Enterprises"

GOALS

"...to increase small and medium enterprises' (SMEs') awareness, understanding and compliance with export controls under the Export Administration Regulations...To enhance the likelihood that SMEs engage in legitimate and profitable export transactions...'



"Export Controls and Trade Services for Small and Medium Enterprises"

Awareness = To be conscious, alert and informed about:

- The Appropriate Agencies or Organizations
- Their Purposes
- Their Products or Services
- Their Rules, Procedures and Authorities
- Where to Find Them
- Your Agenda, Priorities and Resources



"Export Controls and Trade Services for Small and Medium Enterprises"

Understanding =To comprehend and to know:

- Substance
- Mechanics
- Relevance
- Value
- Assistance



"Export Controls and Trade Services for Small and Medium Enterprises"

Compliance = To conform and to be in accordance through your:

- Plan
- Operation
- Commitment
- Training
- Review and Update



"Export Controls and Trade Services for Small and Medium Enterprises"

THE NEXUS =

Your connections to success in trade and controls:

- DEPARTMENT OF COMMERCE
- SMALL BUSINESS ADMINISTRATION
- EUROPEAN UNION
- CUSTOMS BROKERS, FORWARDERS
- OTHER TRADE-RELATED EXPERTS AND RESOURCES



"Export Controls and Trade Services for Small and Medium Enterprises"

THANK YOU

for joining us



"Export controls and Trade Services for Small and Medium Enterprises"

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Senior Advisor, Trade Section, Delegation of the European Union to The United States of America

Email: roberto.pena@eeas.europa.eu

Tom Andrukonis

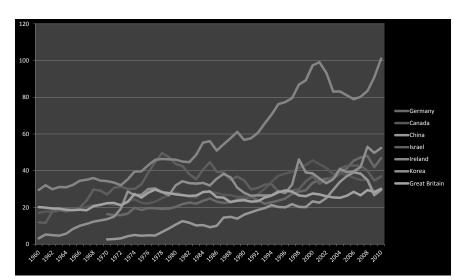
Director, BIS Export Management and Compliance Division

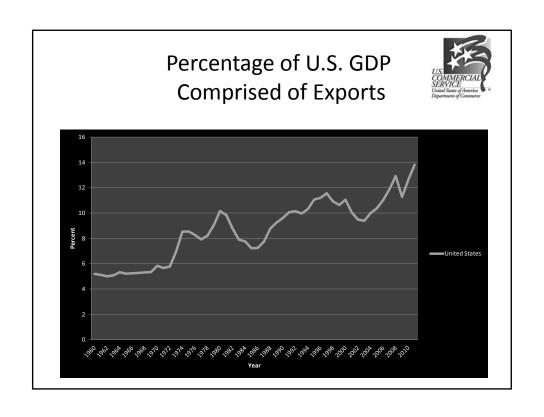
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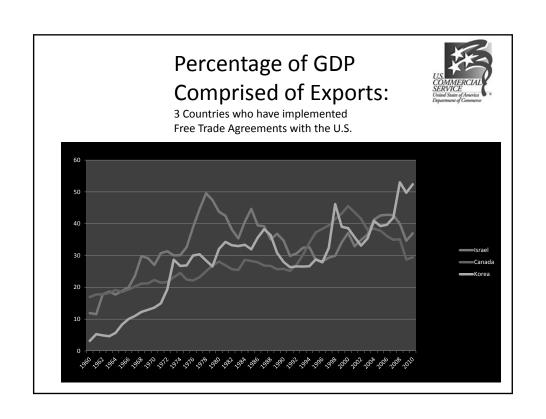
<u>Michael Hoffman</u> BIS/Western Regional Office Email: Michael.Hoffman@bis.doc.gov

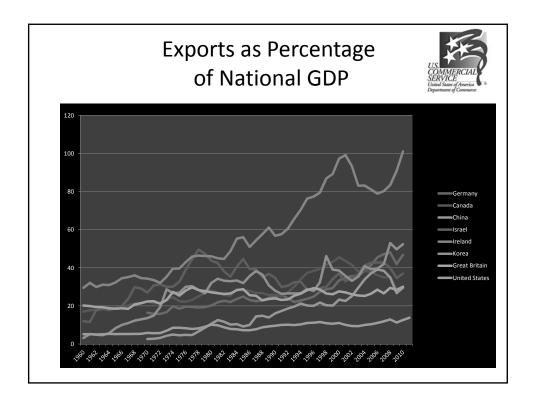
Export as Percentage of National GDP











U.S Export Highlights



- -2011 estimated 300,000 SME exporters, 98% of all exports
- -2010: 286,661 SME exporters, 97.8% of all exports
- -2009: 270,053 SME exporters, 97.6% of all exports
- -2008 282,603 SME exporters, 97.5% of all exports
- -2001 230,736 SME exporters, 96.8% of all exports

Doug Barry
Senior Trade Specialist
Trade Information Center
U.S. Department of
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U.S. Government Financing Tools for Export Success

















Update 2012 Conference on Export Controls and Policy

Export Controls & Trade Services for Small & Medium Enterprises Panel **Washington, D.C.**

July 19, 2012

Dennis R. Chrisbaum, Director International Trade Finance Office of International Trade

U.S. Small Business Administration

Tel: 202.205.6885; dennis.chrisbaum@sba.gov

Small Business Jobs Act of 2010: Support for SME Exporters

Stronger Office of International

- Established an Independent office of International Trade: Increased Staff and Strengthened Export Counseling Resources.
- Stronger Inter-Agency Collaboration

Management & Technical Assistance State Trade and Export Promotion (STEP) Grants Pilot: The law authorized \$30 million per year for three years (appropriated funds for two years) in competitive grants for states to assist business owners to expand their exporting
 Small Business Development Center (SBDC) Counselor Training: TPCC
 Certificate training offered to SBDC counselors; Pilot launched at SBDC annual conference in San Antonio in 2010 with subsequent training in San Diego in 2011.
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Enhanced Export Finance Programs

- Export Express Pilot Becomes Permanent The law turned the Export Express pilot loan program into a permanent program with 90% guarantees for loans up to \$350,000 and 75% for loans greater than \$350,000, up to the limit of \$500,000.
- Permanent higher loan limits for Export Working Capital Program (EWCP) and International Trade Loans: The Act significantly increased maximum loan sizes for both EWCP and International Trade Loans to \$5 million

Export Financing Options for Exporters

- Domestic term loans: typically for business start-up or expansion; fixed assets and permanent working capital— 7-25 years
- **2. Working capital**: revolving line of credit to finance ongoing operational or transactional costs, 1-3 years
- **3. Export credit insurance:** to mitigate foreign buyer risk of non-payment
- **4. Buyer financing**: foreign buyer receives the loan and pays the exporter on shipment—typically 2-18 years.



SBA Loans for Exporters

- 1. International Trade Loan (ITL)—up to \$5,000,000
 - a) expanding because of exports (including "indirect exports") or
 - b) adversely impacted by imports
 - --maximum guaranty: \$4.5 million, 90% (permanent)
 - --a combination of fixed assets or term loan with W/C
 - * maximum Working Capital guaranty: \$4,000,000
 - --maximum term: 25 years; 10 years for working capital
 - --refinancing is allowed
 - --can be process by PLP-SBA 7(a) lenders
 - --can be used for "on-shoring" if conditions above are met
 - --business plan required & application must document eligibility requirements (i.e. export projections or evidence of adverse impact by imports)



SBA Loan Programs for Exporters

- 2. Export Express Program—to \$500,000
- to \$350,000 with 90% guaranty
- to \$500,000 with 75% guaranty
- Processed by SBA-approved Export Express lenders
- Working capital: 7 years; Fix assets: up to 25 years

Required:

- In business for at least 12 months (can now be waived by lender if the applicant's key personnel have demonstrated export expertise and successful business experience and lender does conventional underwriting, not relying on credit scoring)
- Entering or expanding in foreign market



Requirements for Export Express

Four Questions, Four "Yes" Answers, SBA Form 1920-C

- in business for at least one year (can now be waived by lender)
- 2. entering a new or expanding in an existing foreign market
- 3. not financing offshore operations
- 4. not selling to a prohibited country—Exim's CLS

Add: Anticipated annual export sales for the first year—enter on SBA Form 1920-B.



Export Express: Use of Proceeds

Proceeds may be used for any "export development activity," such as:

- translation of product literature or website
- participation in a trade show or on a trade mission
- transaction-specific financing of export deals, including standby letters of credit
- general lines of credit for export purposes
- term loans for permanent working capital, machinery, equipment, or real estate used in the production of goods or services for export
- to support "indirect exports"



US Government Loans for Exporters

- 3. Export Working Capital Loan—90% guaranty
 - -- SBA: loans to \$5 million; Eximbank: no upper limit
 - -- SBA: Maximum guaranty, \$4.5 million
 - --SBA: No minimum ratios; Eximbank has several RMA minimum ratios

<u>Transaction-Based Financing</u> (Purchase order financing)

- Single Order or Revolving Line
- Most supplier and production costs through collections

Or, Asset-Based Line-of-Credit

- Working Capital for pre-shipment, post-shipment or both requirements
- Borrowing Base: inventory, WIP, (insured) A/R



Export Working Capital Eligibility

- SBA's 7(a) size and ownership standards apply based on NAICs--Manufacturing: under 500 employees; can go as high at 1,500 employees
- Or, Tangible Net Worth under \$15 million and Net Income over last 2 years averages less than \$5 million
- Product shipped from U.S.A. or services provided and invoiced by U.S. entity
- 12 months of operating history or proven expertise
- Transaction- or asset-based loans



Export Working Capital Eligibility

- Disbursed against specific transactions and/or resulting (insured) receivables
- Eximbank's country limitation schedule (CLS) applies. See: www.exim.gov
- SBA has no requirements on U.S. content or military sales
- Eximbank has a U.S. content requirement and prohibition against military sales



International Methods of Payments: Their Impact on Financing Needs

- 1. Cash in Advance—wire transfers, credit cards
- 2. Documentary Letters of Credit

Applicant—buyer

Beneficiary—seller

Advising/confirming banks

- 3. Documentary Collections
 - --documents against cash
 - --documents against acceptance
- 4. (Insured) Open Account Terms



Export Working Capital: Financing Export Transactions

Pre-shipmentShipmentPost-ShipmentPERFORMANCE RISKFINANCIAL RISK

Production costs Receivables financing

Material SBA/Eximbank
Labor Buyer financing

Inventory Eximbank

SBA/EximbankPerformance or

Bid Bonds

SBA/Eximbank



Transaction-Based/Self-Liquidating EWCP



Transaction-Based EWCPs can be utilized for single export orders or multiple orders
on a revolving basis. No funds are disbursed until there is an export order. Funds are
used by the borrower to produce goods for a specific export order. SBA requires a
secure payment method from foreign buyer which will be directed to pay down the
EWCP loan.

Indirect Exports Qualify for International Trade, Export Express & EWCP Loans

- Applicants who produce products or services that enter into the export channel, but do not directly export their products, are eligible for EWCP financing
 - Manufacturers using an Export Trading Company
 - Suppliers to other domestic manufacturers that export directly
- Requires certification from domestic customer that goods are, in fact, being exported.



Asset-Based Line of Credit								
Maximizing the Borrowing Base								
	Amount	% Advance	Collateral	% Advance	Collateral			
Exportable Inventory		Without USG Guaranty		With USG Guaranty				
Raw Materials	\$200,000	40	\$80,000	75	\$150,000			
Work-In-Progress	200,000	0	0	75	150,000			
Finished Goods	600,000	50	300,000	75	450,000			
Subtotal	\$1,000,000		\$380,000		\$750,000			
Foreign Accounts Receivable								
Open Account	\$400,000	0	\$0	90	\$360,000			
L/C Backed A/R	600,000	70	420,000	90	540,000			
Subtotal	\$1,000,000		\$420,000		\$900,000			
Total Borrowing Base	\$2,000,000		\$800,000		\$1,650,000			
Line Increases fr	om \$800,000 to \$1	,650,000 (+1	106%)					

EWCP: Advance Rates

Typical Advance Rates:

- 75% against inventory, WIP
- 85-90% against insured, foreign A/R
- 90% against Letter of Credit



EWCP: Transactional Collateral

- 1. First lien on all assets being financed:
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- 2. Assignment of proceeds under:
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 - credit insurance policies
- 3. Other assets as required by the lender
- 4. Personal guarantees of 20% or more owners



SBA EWCP Fees and Analysis

Guaranty fee:

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- Lender Pays (on all SBA loans).55% on outstanding amount calculated on monthly basis
- Borrower and lender negotiate Interest Rate and fees;
 lender is required to disclose this information to SBA

Analysis:

- is the deal structured correctly?
- 2. can the borrower perform as agreed?
- 3. can we get paid, i.e. how secure is the method of payment?



EWCP: How to Apply

- The application is **EIB-SBA Form 84-1**, a joint application used by SBA and Ex-Im Bank
- EWCP loans are submitted by the local Lender to the appropriate SBA/USEAC finance officer or Eximbank.
- Delegated lenders approve for SBA or Eximbank.
- The SBA USEAC finance officer prepares the authorization and loan officer report for approval by Loan Guaranty Processing Center (LGPC).
- Turn-around time: Averages 6-10 business days for SBA/USEAC processed loans.



Eximbank: Mitigating Buyer Risk

4. Export Credit Insurance

- a. *Multi-buyer policy* (on worldwide buyers)
- b. Small business policy: SB with \$7.5 mm or less in average export credit sales for 3 years, 95% commercial and political risk
 - --cost: ~55 cents/\$100, payable 30 days after invoice --25% discount if also have Export Express or Export Working Capital loan
- c. Express insurance: on-line application; to \$300,000; named buyers approved; 5-day turnaround
- d. Single buyer policy —90% coverage
- e. Medium term policy —up to 5 years



Eximbank: Mitigating Buyer Risk

- e. Benefits
 - allows exporter to offer competitive payment terms—marketing tool
 - allows exporter to borrow against A/R—financing tool
 - allows the exporter to sleep at night—health aid
- f. Lender takes an assignment of proceeds as collateral, allowing A/R to be added to borrowing base



Eximbank Loans for Foreign Buyers of U.S Goods and Services

5. Loan Guarantees for Buyers of U.S. Exports

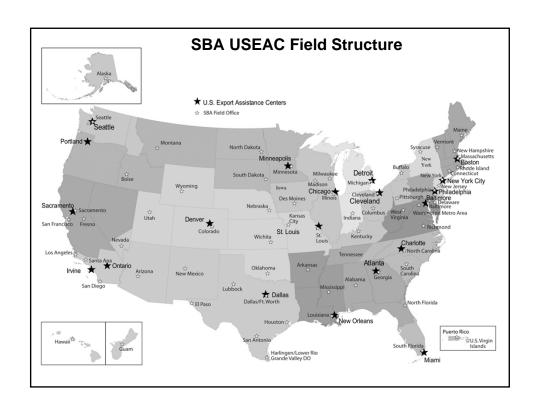
- --for capital goods and services
- --for structured and project financing
- --15% down-payment required
- --100% guaranty on the 85% financed portion
- --generally 3-10 years
- --renewable energy: up to 18 years
- --OECD rate limits apply



Finding Export Lenders

- Office of International Trade: http://www.sba.gov/international
- International Trade Loan: any SBA (a) lender
 - FY2011: http://www.sba.gov/content/lenders-participatingsba%E2%80%99s-international-trade-loan-program
- Export Express: any approved Export Express lenders
 - FY2011: http://www.sba.gov/content/lenders-participating-sba%E2%80%99s-export-express-program-o
- Export Working Capital: any EWCP lender
 - FY2011: http://www.sba.gov/content/lenders-participating-sba%E2%80%99s-export-working-capital-program-o
- Export-Import Bank: http://www.exim.gov/pub/pdf/ebd-g-o1.pdf





Who Can I Talk to About Export Financing?

Territory: Georgia, Alabama, Northern Florida, West/Central Tennessee Ray Gibeau 404-897-6089

ARLINGTON, VA
Territory: Virginia, Maryland, District of Columbia,
West Virginia, Delaware
William Houck 202-557-4063

BOSTON Territory: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island John Joyce 617-565-4305

CALIFORNIA

HEVINE
Territory: Southern California, Southern
Nevada, Hawaii, Guam
Martin Selander 949.660-8935

ONTARIO-INLAND EMPIRE
Territory: Southern California, Arizona
Pellson Lau 909-390-8495

SACRAMENTO
Territory: Northern California - Fresno to the Oregon border, Northern Nevada Jerry R. Avila 916-735-1708

CHARLOTTE

Territory: North Carolina, South Carolina, Eastern Tennessee Dan Holt 704-333-4886 x226

CHICAGO

Territory: Wisconsin, Illinois, Iowa John Nevell 312-353-8065

CLEVELAND
Territory: Ohio, Kentucky, Western New York,
Western Pennsylvania,
Patrick Hayes 216-522-4731

DALLAS/FORT WORTH
Territory: Texas, New Mexico
Rick Schulze 817-684-5506

DENVER
Territory: Colorado, Wyoming, Utah
Bryson Patterson 303-844-6623 ext.218

<u>DETROIT</u> Territory: Michigan, Indiana <u>John O'Gara</u> 313-872-6793

MIAMI Territory: Southern Florida , Puerto Rico Mary Hernandez 305-526-7425 ext. 21

MINNEAPOLIS
Territory: Minnesota, North Dakota, South Dakota
Carlos Sosa 612-348-1642

NEW ORLEANS

Territory: Louisiana, Arkansas, Mississippi Sandro Murtas 504-756-5353

NEW YORK CITY
Territory: New York City & 5 Boroughs , New Jersey,
Eastern Upstate New York
Toni Corsini 212-809-2645

PHILADELPHIA
Territory: Eastern Pennsylvania
Robert Elsas 215-597-6110

PORTLAND
Territory: Oregon, Southern Idaho, Montana leff Deiss 503-326-5498

SEATTLE Territory: Washington, Alaska, Northern Idaho Pru Balatero 206-553-0051 ext.228

<u>ST. LOUIS</u> Territory: Oklahoma, Nebraska, Kansas, Missouri <u>John Blum</u> 314-425-3304



US Government Finance Programs for Exporters

- 1. Export Express—to \$500,000
- 2. International Trade Loan—to \$5 million
- 3. Export Working Capital
 - SBA to \$5 million
 - Eximbank, no limit
- 4. Eximbank Credit Insurance
- Eximbank Medium- and Long-Term Loan Guarantees for Foreign Buyers of US Goods and Services

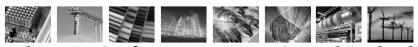
Please Use Them!



http://www.sba.gov/international



U.S. Government Financing Tools for Export Success



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Bill Houck, Regional International Trade Finance Manager U.S. Export Assistance Center, Northern Virginia Office of International Trade U.S. Small Business Administration

Tel: 202.2557.4063; william.houck@sba.gov

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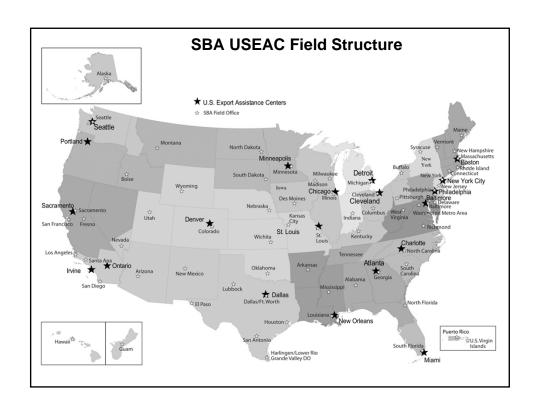
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- --OECD rate limits apply



Finding Export Lenders

- Office of International Trade: http://www.sba.gov/international
- International Trade Loan: any SBA (a) lender
 - FY2011: <u>http://www.sba.gov/content/lenders-participating-sba%E2%80%99s-international-trade-loan-program</u>
- Export Express: any approved Export Express lenders
 - FY2011: http://www.sba.gov/content/lenders-participating-sba%E2%80%99s-export-express-program-o
- Export Working Capital: any EWCP lender
 - FY2011: http://www.sba.gov/content/lenders-participating-sba%E2%80%99s-export-working-capital-program-o
- Export-Import Bank: http://www.exim.gov/pub/pdf/ebd-g-01.pdf





Who Can I Talk to About Export Financing?

Territory: Georgia, Alabama, Northern Florida, West/Central Tennessee Ray Gibeau 404-897-6089

ARLINGTON, VA
Territory: Virginia, Maryland, District of Columbia,
West Virginia, Delaware
William Houck 202-557-4063

BOSTON Territory: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island John Joyce 617-565-4305

CALIFORNIA

HEVINE
Territory: Southern California, Southern
Nevada, Hawaii, Guam
Martin Selander 949.660-8935

ONTARIO-INLAND EMPIRE Territory: Southern California, Arizona Pellson Lau 909-390-8495

SACRAMENTO
Territory: Northern California - Fresno to the Oregon border, Northern Nevada Jerry R. Avila 916-735-1708

CHARLOTTE

Territory: North Carolina, South Carolina, Eastern Tennessee Dan Holt 704-333-4886 x226

CHICAGO

Territory: Wisconsin, Illinois, Iowa John Nevell 312-353-8065

CLEVELAND
Territory: Ohio, Kentucky, Western New York,
Western Pennsylvania,
Patrick Hayes 216-522-4731

DALLAS/FORT WORTH
Territory: Texas, New Mexico
Rick Schulze 817-684-5506

DENVER
Territory: Colorado, Wyoming, Utah
Bryson Patterson 303-844-6623 ext.218

<u>DETROIT</u> Territory: Michigan, Indiana <u>John O'Gara</u> 313-872-6793

MIAMI Territory: Southern Florida , Puerto Rico Mary Hernandez 305-526-7425 ext. 21

MINNEAPOLIS
Territory: Minnesota, North Dakota, South Dakota
Carlos Sosa 612-348-1642

NEW ORLEANS

Territory: Louisiana, Arkansas, Mississippi Sandro Murtas 504-756-5353

NEW YORK CITY
Territory: New York City & 5 Boroughs , New Jersey,
Eastern Upstate New York
Toni Corsini 212-809-2645

PHILADELPHIA
Territory: Eastern Pennsylvania
Robert Elsas 215-597-6110

PORTLAND
Territory: Oregon, Southern Idaho, Montana leff Deiss 503-326-5498

SEATTLE Territory: Washington, Alaska, Northern Idaho Pru Balatero 206-553-0051 ext.228

<u>ST. LOUIS</u> Territory: Oklahoma, Nebraska, Kansas, Missouri <u>John Blum</u> 314-425-3304



US Government Finance Programs for Exporters

- 1. Export Express—to \$500,000
- 2. International Trade Loan—to \$5 million
- 3. Export Working Capital
 - SBA to \$5 million
 - Eximbank, no limit
- 4. Eximbank Credit Insurance
- Eximbank Medium- and Long-Term Loan Guarantees for Foreign Buyers of US Goods and Services

Please Use Them!



http://www.sba.gov/international

Export Controls and Trade Services for Small and Medium Enterprises

Freight Forwarder and Logistical Services

Presented by: National Customs Brokers and Forwarders Association of America, Inc. Transportation Committee

> Pat Fosberry – John S. James Co. Corporate Export & Transportation Manager

Paulette Kolba — Panalpina, Inc. Area Export Compliance Manager USA — Vice President

What is a Freight Forwarder?

Textbook Definition:

A freight forwarder serves as an agent of the exporter for purposes of arranging cargo transportation and related documentation services needed to accomplish an international shipment. Their services include, but are not limited to, providing export quotations to potential US shippers or foreign buyers, routing and booking cargo, and arranging transportation from point of origin all the way to the place of ultimate destination. Freight forwarders also prepare or assist in the preparation of the documents needed to accomplish the transportation, advise US government export requirements, and document the shipment for customs clearance into the destination country.

True Definition:

A freight forwarder is your partner and advisor with your international shipments. A forwarder listens to your concerns, challenges, and fears; then educates you, guides you, instructs you, and assists you in getting your shipment legally from origin to destination on time and in good condition.



Freight Forwarder and Logistical Services

- > Quotation/Transportation
- > Electronic Export Information via the Automated Export System
- > Documentation
- > Value Added Services



Quotation – Transportation

- > Know your customer's expectations
 - > Create timeline to accomplish tasks



- > Modes of transportation
 - > Ocean, Air, Truck, Rail, Barge
- > Production schedule Packaging
- > Payment terms
 - > Letter of Credit, Direct Collection, Open Account
- > Incoterms
 - > Communicates tasks, costs and risks
 - > 2010 Incoterms
 - > New: DAT & DAP
 - > Obsolete: DAF, DES, DEQ & DDU



Electronic Export Information via the Automated Export System

- > Parties in the transaction
 - > USPPI, FPPI, Intermediate Consignee, Ultimate Consignee, Agent
 - > Restricted Party Screening (Exporter AND Forwarder Responsibility)
- > Required data elements
 - Party details, commodity details, export license details, transportation details
- > Filing time requirements***
 - > Vessel 24 hours prior to scheduled loading
 - ➤ Air 2 hours prior to scheduled flight departure
 - > Truck 1 hour prior to arrival of truck at border crossing
 - > Rail 2 hours prior to arrival of train at border crossing
 - *** ITAR Filing time requirements
 - > Air/Truck 8 hours prior to departure
 - > Vessel/Rail 24 hours prior to departure



Documentation – Freight Forwarder Services

- > Letter of credit requirements
 - > Preparation of Drafts, Beneficiary Certificates, etc.
- > Destination country requirements
 - > Preparation of Certificates of Origin, Phytosanitary Certificates, etc.
- > Destination Control Statement
 - Placement & verification on Commercial Invoice and Transport Documents
- > Timely document disbursement
 - Bank, buyer, intermediate consignee, destination custom broker
- > Ensure documents are correct, consistent & compliant



Freight Forwarder Value Added Services

- > Extensive overseas offices/agency network
 - > Assist with destination logistics
 - > Destination regulatory requirements
 - > Destination Customs clearance and/or coordination
- >Transportation services
 - \gt Ocean, air, domestic contracts (NVOCC, IAC)
 - > Warehousing & distribution (Origin & destination)
 - > Documentation compliance
 - > Marine Insurance
- ➤ Supply chain support
 - > Cargo Tracking
- **≻**Compliance
 - > Customer's interests
 - > Guidance
 - > Education



Paulette Kolba

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